

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:23-CV-00324-FDW-SCR**

**BASS PRO INTELLECTUAL PROPERTY, )  
L.L.C., )**

**Plaintiff, )**

**v. )**

**CONSENT JUDGMENT**

**ASCEND APPAREL LLC et al, )**

**Defendants. )**

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**THIS MATTER** is before the Court following notice through a Joint Motion for Entry of Judgment, (Doc. No. 5), and Notice of Settlement, (Doc. No. 6), that the parties herein have reached an agreement resolving all issues before this Court.

Plaintiff Bass Pro Intellectual Property, L.L.C. (“Bass Pro”) brought this action against Defendants Ascend Apparel, LLC, Kimani Bethune-Jones, and Salim Collins alleging trademark infringement under the Lanham Act, 15 U.S.C. § 1114, and related federal and state claims. Ascend Apparel LLC, Bethune-Jones, and Collins acknowledge that they are subject to the jurisdiction of this Court and that they have had the opportunity to retain counsel but have voluntarily declined to do so. The Parties have entered into a Settlement Agreement, pursuant to which the Parties have consented to the entry of the following Order:

**IT IS THEREFORE ORDERED, ADJUDGED and DECREED**, that Defendants, their officers, directors, agents, employees, representatives, affiliates, parents, subsidiaries, partners, divisions, or joint venturers, and all others in active concert or participation with them (provided that such others in active conceit or participation with the Defendants receive actual notice of this

Order) (collectively “Defendants” for purposes of this Order), are hereby **ORDERED** and **ENJOINED** from any and all further:

- a. use of the registered and common law trademarks and service marks owned by Bass Pro, including Bass Pro’s common law trademark rights in the ASCEND trademark as well as Bass Pro’s U.S. trademark registrations therefore as set forth in Exhibit 1 hereto, either alone or in combination with other words, names, or symbols, on or in connection with the advertisement, marketing, offering for sale, or sale of any products;
- b. performing or committing any other acts that are likely to cause confusion or mistake in the mind of the purchasing public, or to lead purchasers or the trade to believe that Defendants’ products come from or are authorized by Bass Pro, or are somehow sponsored by, associated with, affiliated with, or connected with Bass Pro, or that there is some relation, association, affiliation, or connection between Defendants and Bass Pro;
- c. from passing off, or inducing or enabling others to sell or pass off, Defendants’ products or services as those of Bass Pro;
- d. from otherwise unfairly competing with Bass Pro; and
- e. from diluting the distinctive quality of the registered and common law trademarks and service marks owned by Bass Pro.

**IT IS FURTHER ORDERED, ADJUDGED** and **DECREED** that this Court shall retain jurisdiction over this matter for purposes of enforcing this Consent Judgment.


**IT IS FURTHER ORDERED, ADJUDGED and DECREED**, except as necessary for enforcement of this Order, all of the claims asserted in this action, (Doc. No.1), are hereby **DISMISSED WITHOUT PREJUDICE** and with all appeals waived.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that each Party shall bear its own costs, fees, and expenses.

The Clerk is respectfully directed to **CLOSE THE CASE** and **TERMINATE** all pending motions.

**IT IS SO ORDERED.**


Signed: September 28, 2023

  
Frank D. Whitney  
United States District Judge



## **Exhibit 1**

### Bass Pro Marks

<b>Mark</b>	<b>Reg. No.</b>	<b>Issue Date</b>
ASCEND	4,112,153	March 13, 2012
ASCEND	3,891,453	December 14, 2010
ASCEND	4,003,405	July 26, 2011
ASCEND	4,050,082	November 1, 2011
ASCEND	4,764,240	June 30, 2015
	4,764,241	June 30, 2015

CONSENTED TO:

/s/ Antonio E. Lewis

Antonio E. Lewis

N.C. Bar No. 35409

**King & Spalding LLP**

300 S Tryon Street, Suite 1700

Charlotte, North Carolina 28202

Telephone: (704) 503-2600

Facsimile: (704) 503-2622

alewis@kslaw.com

*Counsel for Plaintiff*

*Bass Pro Intellectual*

*Property, L.L.C.*

/s/ Salim Collins

Ascend Apparel, LLC

*By Salim Collins*

/s/ Kimani Bethune-Jones

Kimani Bethune-Jones

/s/ Salim Collins

Salim Collins